


AUG 20 2013

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA)	Criminal Case No. 7:06cr00007-1
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
JAMAL EDWARD CRUMP)	By: Samuel G. Wilson
)	United States District Judge


Jamal Edward Crump, a federal inmate proceeding *pro se*, filed a “motion to withdraw plea” (ECF No. 79), in which he argues that his guilty plea was not knowing and voluntary. Inasmuch as Crump is challenging the validity of his federal conviction and sentence, the court construes Crump’s motion as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Upon review of the record, however, the court finds that the motion must be dismissed as an unauthorized, successive § 2255 motion.

Crump challenges his 320-month sentence for two counts of distributing five grams or more of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B). Court records indicate that Crump previously filed two § 2255 motions regarding the same conviction and sentence, both of which this court denied. See ECF Nos. 57, 60, and 61 (denied as untimely filed) and ECF Nos. 72, 73, and 74 (denied as successive). This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). As Crump has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, the court must dismiss his motion as successive.¹

¹ Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel

For the reasons stated, the court construes Crump's motion as a § 2255 motion and dismisses it as successive.

ENTER: This 20th day of August, 2013.



United States District Judge

certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion will be included with this notice or are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.